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February 7<sup>th</sup>, 2019

The Honorable Katharine H. Parker  
United States District Court  
Southern District of New York - Courtroom 17D  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Burgess vs. Bartocci et al  
Case No.: 1:18-cv-04691-PGG

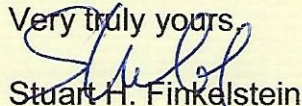
Dear Judge Parker,

I represent Plaintiff and I write in reply to defendants' letter of February 1, 2019 to the Court.

As I have lost touch with my client, I am unable to proceed with the case and would, respectfully, ask that if the Court is inclined to dismiss the matter, that it be without prejudice. As the Court is aware if dismissed with prejudice, it will be considered an adjudication on the merits and thereby preclude future remediation of the property.

I conferred with defense attorney Brian Bendy this morning by telephone and he does not agree to a stipulation to dismiss without prejudice.

Thanking you, I remain,

Very truly yours,  
  
Stuart H. Finkelstein

SHF/tc  
To all Counsel of record via ECF